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2 Acting Federal Defender  
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4 **OK/HAV**

5 Attorney for Defendant  
6 STUART MARTIN ALLEN

7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9  
10 UNITED STATES OF AMERICA, ) No. CR-S-04-0438 DFL  
11 )  
12 Plaintiff, )  
13 ) STIPULATION AND [PROPOSED ORDER]  
14 v. )  
15 )  
16 STUART MARTIN ALLEN, ) Date: March 2, 2006  
17 ) Time: 10:00 A.M.  
18 )  
19 ) Judge: Hon. David F. Levi  
20 )  
21 Defendant. )  
22  
23

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24 IT IS HEREBY STIPULATED by and between the parties hereto through  
25 their respective counsel, WILLIAM WONG, Assistant United States  
26 Attorney, attorney for Plaintiff, and DENNIS S. WAKS, Acting Federal  
Defender, attorney for defendant, that the current Status Conference  
date of January 12, 2006 be vacated and a new Status Conference date of  
March 2, 2006 at 10:00 a.m. be set.

27 Counsel has recently been re-assigned to this case and will need  
28 the additional time to speak with Mr. Allen and review the discovery in  
the case.

29 It is further stipulated and agreed between the parties that the  
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1 period beginning January 12, 2006 to March 2, 2006, should be excluded  
2 in computing the time within which the trial of the above criminal  
3 prosecution must commence for purposes of the Speedy Trial Act for  
4 defense preparation. All parties stipulate and agree that this is an  
5 appropriate exclusion of time within the meaning of Title 18, United  
6 States Code, Section 3161(h)(8)(iv) (Local Code T4) and that the ends  
7 of justice to be served by a continuance outweigh the best interests of  
8 the public and the defendant in a speedy trial.

9  
10 Dated: January 10, 2006

11 Respectfully submitted,

12 QUIN DENVIR  
13 Federal Defender

14 /s/ Dennis S. Waks  
15 DENNIS S. WAKS  
16 Acting Federal Defender  
17 Attorney for Defendant  
18 STUART MARTIN ALLEN

19  
20 MCGREGOR W. SCOTT  
21 United States Attorney

22 Dated: January 10, 2006

23 BY: /s/ Dennis S. Waks for  
24 WILLIAM WONG  
25 Assistant U.S. Attorney

26 / / /  
27 / / /  
28 / / /

Stipulation and order/Stuart Allen\Cr-S-04-438

## ORDER

Based on the parties' stipulation and good cause appearing therefrom, the Court hereby adopts the stipulation of the parties in its entirety as its order. The Court specifically finds that the ends of justice served by the granting of such continuance outweigh the interests of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

DATED: 1/11/2006

DAVID F. LEVI  
United States District Judge